

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RODNEY FORD,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security,

Defendant.

Case No. C15-1872-RSM-JPD

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. Dkt. 8. On March 15, 2016, the defendant filed a Motion for Remand pursuant to sentence six of 42 U.S.C. § 405(g) because the recording of the hearing held on February 18, 2014, by an administrative law judge, is particularly blank. Dkt. 16. To date, plaintiff has failed to respond, and therefore defendant's motion to remand is unopposed.


Based upon the defendant's evidence that the record in this case is incomplete, the Court recommends that this matter be remanded pursuant to sentence six of 42 U.S.C. § 405(g). *See* Dkt. 17 (Morris Decl.) at ¶ 4; Dkt. 17, Ex. 1. Upon receipt of the Order remanding this case, the Appeals Council will remand the matter to an administrative law judge who shall afford plaintiff a *de novo* hearing. This Court shall retain jurisdiction over this action pending further

1 development of the record pursuant to 42 U.S.C. § 405(g). If the outcome is not fully favorable
2 to plaintiff, he may seek judicial review by reinstating this case rather than filing a new
3 complaint. A proposed order accompanies this Report and Recommendation.

4 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
5 served upon all parties to this suit by no later than **April 21, 2016**. Failure to file objections
6 within the specified time may affect your right to appeal. Objections should be noted for
7 consideration on the District Judge's motion calendar for the third Friday after they are filed.
8 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no
9 timely objections are filed, the matter will be ready for consideration by the District Judge on
10 **April 22, 2016**.

11 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
12 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
13 assigned District Judge acts on this Report and Recommendation.

14 DATED this 7th day of April, 2016.

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17 JAMES P. DONOHUE
Chief United States Magistrate Judge